

Notice of Allowability

Application No.

10/018,851

Examiner

Sow-Fun Hon

Applicant(s)

OISO ET AL.

Art Unit

1772

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address-

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the response filed 05/19/04.
2. ☒ The allowed claim(s) is/are 1-3.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 05282004.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

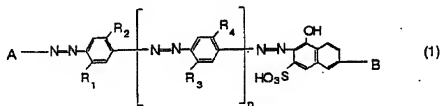
EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

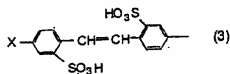
Authorization for this examiner's amendment was given in a telephone interview with Kevin Lemack on 05/28/04.

The application has been amended as follows:

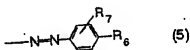
2. In the Amendment dated 09/22/2003, Substitute claim 1 with - - A polyvinyl alcohol polarizing film containing, in a substrate for the polarizing film, a water soluble dye represented by the following formula (1) in the form of a free acid:



wherein A represents the following formula (3)



wherein X represents a nitro group or an amino group, B represents the following formula (5)



wherein R₆ represents a hydrogen atom, hydroxyl group, substituted or unsubstituted amino group, methyl group, ethyl group, methoxy group, ethoxy group, R₇ represents a hydrogen atom, hydroxyl group, substituted or unsubstituted amino group, methyl group, ethyl group, methoxy group, ethoxy group in the formula (5), and n is 0 or 1, and R₁, R₂, R₃, R₄ each independently represents a hydrogen atom, methyl group, ethyl group, methoxy group, ethoxy group and acetyl amino group; or a copper complex salt of said acid. - -

3. In the Amendment dated 09/22/2003, Substitute claim 2 with - - A polyvinyl alcohol polarizing film as defined in claim 1, containing at least one of the water soluble dye in the form of a free acid represented by the formula (1), or the copper complex salt of said acid; and at least one of organic dyes other than said water soluble dye in the form of a free acid or said copper complex salt of said acid. - -

4. In the Amendment dated 09/22/2003, Substitute claim 3 with - - A polyvinyl alcohol polarizing plate having a protective film on the surface of the polyvinyl alcohol polarizing film as defined in claim 1 or 2.

5. In the Specification dated 12/17/01, Page 1, below title "DYE TYPE POLARIZING PLATE", insert - - This application is a 371 of PCT/JP00/04658 filed 07/12/2000. - -

6. The following is an examiner's statement of reasons for allowance: the closest prior art US 5,548,073 fails to teach or suggest, even in combination with US 5,272,259, the dye in the free acid form or its corresponding copper complex salt defined in claim 1 as amended by the Office in paragraph 2 above.

In the response dated 05/19/04, Applicant has stated that formulae (8) and (9) in the specification are not within the scope of the present application. Applicant then pointed out that the right phenyl group in the stilbene moiety of compound A of '073 is substituted by a naphthylazophenylazo group, while the right phenyl group on the stilbene moiety of '259 is substituted directly by a naphthylazo group. Due to the difference in the structures, there is no motivation to modify the structure of '073 in view of '259.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication should be directed to Sow-Fun Hon whose telephone number is (571)272-1492. The examiner can normally be reached Monday to Friday from 10:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached at (571)272-1498. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SH
Sow-Fun Hon

05/28/04

[Signature]
HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

6/1/04